

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 50463	DATE	12/3/2002
CASE TITLE	U.S.A. vs. MICHAEL V. SCHAFFER		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, Michael Schaffer's motion filed pursuant to 28 U.S.C. § 2255 is summarily dismissed.

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge. ✓	courtroom deputy's initials /SEC	U.S. DISTRICT COURT 2002 DEC -3 PM 2:38 Date/time received in Central Clerk's Office	number of notices	Document Number 3
			DEC - 3 2002 date docketed	
			12302 docketing/deputy initials	
			date mailed notice	
			SW mailing deputy initials	

MEMORANDUM OPINION AND ORDER

Barely within the 1-year statute of limitation for an action brought pursuant to 28 U.S.C. § 2255, Michael A. Schaffer has filed a motion to vacate, set aside, or correct his sentence entered on November 26, 2001 following his guilty plea to being a felon in possession of a firearm, 18 U.S.C. § 922(g). He raises ineffective assistance of counsel as it relates to his sentence and the calculation of one point for a misdemeanor conviction in his guideline criminal history. This contention goes nowhere as Schaffer in his plea agreement in paragraph 13 waived, inter alia, "his right to challenge his sentence or the manner in which it was determined in any collateral attack, including, but not limited to, a motion brought under Title 28, United States Code, Section 2255." Such waivers are enforceable with the limited exception that it does not apply to a claim of involuntariness or ineffective assistance of counsel that relates directly to this waiver or its negotiation. See Jones v. United States, 167 F.3d 1142, 1145 (7th Cir. 1999). No such exception is raised here and, in fact, Schaffer acts at his peril in filing this motion which is in violation of his plea agreement and could, if the government elects, be vacated and Schaffer face prosecution without the benefit received in the plea agreement for his waiver of his collateral review right. This case is summarily dismissed. See Mason v. United States, 211 F.3d 1065, 1069 (7th Cir. 2000), cert. denied, 531 U.S. 1175 (2001).

United States District Court
Northern District of Illinois
Western Division

United States of America

JUDGMENT IN A CIVIL CASE

v.

Case Number: 02 C 50463

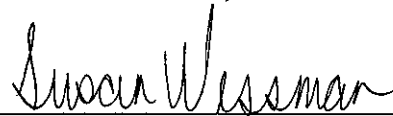
Michael V. Schaffer

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that Michael Schaffer's motion filed pursuant to 28 U.S.C. § 2255 is summarily dismissed.

FILED-WO
2002 DEC -3 PM 2:38
U. S. DISTRICT COURT

Michael W. Dobbins, Clerk of Court



Susan M. Wessman, Deputy Clerk

Date: 12/3/2002